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VIA Electronic Filing

August 10, 2005

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC

**Re: WC Dockets 04-36 and 05-196; Subscriber Notification and Acknowledgement
Status and Compliance Report**

Dear Ms. Dortch:

Attached please find the "Subscriber Notification and Acknowledgement Status and Compliance Report" for Bresnan Communications, LLC. Please feel free to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read "Jerold". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerold C. Lambert
Associate General Counsel

Enclosure

Bresnan Communications, LLC
Subscriber Notification
and Acknowledgement Status and Compliance Report
WC Dockets 04-36 and 05-196

Bresnan Communications, LLC, submits the following Subscriber Notification and Acknowledgement Status and Compliance Report on behalf of itself and its state operating affiliates (collectively, “Bresnan or Bresnan Broadband, LLC”). Bresnan Broadband, LLC consists of wholly owned subsidiaries of Bresnan Communications, LLC, a cable television MSO. Bresnan Digital Phone offers voice communications services using a Voice over Internet Protocol (“VoIP”) platform based on the DOCSIS-compliant packet cable technology.

Following are Bresnan Communications’ responses to the seven items that must be included in this report as set forth in the FCC’s July 26, 2005 Public Notice (DA 05-2085).

Item 1: A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail).

Bresnan Communications, LLC Response:

Even before the present requirements of the FCC’s *VoIP E911 Order*, Bresnan has routinely included information relating to its E911 capabilities and limitations in communications with customers and prospective customers via customer service representative scripts, promotional materials, subscriber agreements, and customer Question and Answer materials. This report, however, includes only descriptions and information related to Bresnan’s actions taken directly in response to the *VoIP E911 Order*’s mandate.

On July 21st, Bresnan distributed an E911 advisory to all existing Bresnan phone service customers by first class mail which included a postage paid business reply card having the same information on it as the explanatory letter and asked them to sign and return the business reply card to acknowledge they understand the information presented and retain the letter for their future reference. Two advisory warning stickers were included with each advisory. To capture telephone installations between July 20th and August 4th, Bresnan did a subsequent mailing of the exact same material on August 8th. On August 4th, Bresnan incorporated a similar advisory into our installation process to ensure each new customer receives the advisory and stickers and acknowledges they understand the advisory. The only difference being that during the installation process, rather than using a business reply card for acknowledgement, the acknowledgement was received by retaining a signed copy of the notification letter.

The advisory to existing customers includes the following language:

Important 911 Information Response Required

This letter is being sent in order to advise you of certain features regarding your Enhanced 911 calling capability. Your safety and that of your family and friends are important to us at Bresnan Communications. While we hope that the occasion never arises where our Enhanced 911 feature is needed, in case it is, we want to remind you of both its capabilities and any limitations associated with its use.

While this information is included in the Subscriber Agreement, which is in the materials received when you subscribed to the service, the Federal Communications Commission (FCC) has asked the industry to make sure you understand this important information about the E 911 feature of your digital phone service. Bresnan Digital Phone Enhanced 911 services will not function if Bresnan Equipment fails, is moved or relocated from the premises. Additionally, the service will not function if it is interrupted or not functioning for any reason, including, but not limited to, a power outage lasting beyond the several hour battery backup duration or just like traditional telephone service, in the unlikely event a Bresnan network service outage occurs. Finally, if you violate the service agreement by changing the physical location where the Bresnan equipment was installed, the 911 communications may be misdirected to an incorrect emergency services responder.

We hope this information will assist you in using your Bresnan Digital Phone Service to its fullest potential. We are also providing you with labels to be placed on or near your telephone(s) so that others who may be guests or visitors can also be aware of any limitations or differences in our Enhanced 911 service. Please take the time to acknowledge your receipt and understanding of this information by returning the attached business response card within 5 business days.

The advisory for new customers is the same, except it instructs the customer to keep one copy of the notification letter and sign and return the other copy to the installer.

As an additional attempt to reach our existing customers, on August 4th we sent an automated voicemail message to the initial batch of customers as a reminder of the importance to submit the business reply card. On August 15th, we plan to send another message to the subsequent batch of customers who were sent letters on August 8th which will contain the same exact messaging.

Today, August 10th, Bresnan began contacting by telephone those customers installed before August 4th who did not return signed advisories in response to the existing customer mailing outlined above. The calls to customers are being made by 3PV, Inc., a third party verification company using a script approved by Bresnan that includes the same elements of the written advisory provided above.

The customer call script is materially the same as the written notifications except it also includes the following reference to the consequences of their failure to acknowledge:

“Please be aware that we are being required by the Federal Communications Commission to verify you understand the important information regarding the E911 feature of your phone service. If we are unable to do so, the FCC may require us to suspend your phone service. Would you like to continue? ”

Finally, if the customer does not want to continue, the script concludes with the following:

“Thank you for your time. Please feel free to call us at 1-877-BRESNAN with any questions.”

Item 2: *A quantification of how many of the provider’s subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.*

Bresnan Communications, LLC response:

28% of Bresnan Digital Phone subscribers have submitted an affirmative acknowledgement as of this filing. *(This number reflects only the first phase of our effort to obtain acknowledgements and we believe that number will be closer to 35% even by the end of business today.)* Bresnan estimates the percentage of subscribers from whom it does not expect to receive an acknowledgement by August 29, 2005 to be less than 10%. *(We believe further, that number will likely contain people who received notice but either went on vacation or out of town prior to sending the business reply card back and thus also missed the 3PV phone calls while they were away.)* Bresnan, however, submits that it is impossible to give a reliable estimate of the percentage of subscribers from whom it does not expect to receive acknowledgement by August 29, 2005. However, as we are required to do so in this report, we have complied.

Item 3: *A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U. S. mail).*

Bresnan Communications, LLC Response:

As stated above, on July 21st and then again on August 8th, Bresnan distributed stickers by first-class mail to all its existing customers and subsequently on August 4th began providing them to each new customer during service installation. The advisory instructs customers to place the stickers “on or near all phones connected to Bresnan Digital Phone service to alert guests and members of your family who may not see this advisory.”

Customers are provided with two warning stickers each and can receive more upon request. Each sticker is small enough to fit on the handle of a standard telephone (4”x 2”).

Item 4: A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above.

Bresnan Communications, LLC Response:

0 (zero) %. To the best of our knowledge, Bresnan has provided the advisory and the stickers to all of its existing subscribers.

Item 5: A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber’s VoIP service with the Company no later than August 30, 2005.

Bresnan Communications, LLC Response:

Bresnan will continue to make efforts to obtain every subscriber’s acknowledgement by August 29th and may employ additional methods depending on the effectiveness of the outbound calling campaign begun and continuing through August 29th. Future methods may include personal phone calls as well as having local personnel visit customers in their communities to request acknowledgement.

All future communications with existing subscribers seeking acknowledgement on E911 will include a notice similar to the outbound calling script above, warning “The FCC expects us to discontinue your Bresnan Digital phone service by August 30th unless we obtain verification from you.” Bresnan hopes to avoid disconnecting customers, but in light of the FCC’s expectation that we do so, we will prepare for that possibility in as responsible a manner as possible given the timeframe. Many of our customers have switched their service and their phone numbers from the incumbent local exchange carrier (ILEC) in their area and have their inside wiring connected to our phone service. Therefore, we will have to ensure that the customer has an opportunity to re-connect with another provider and does not lose service entirely before we may responsibly disconnect. We are exploring ways to ensure our customers will not be left without basic service or a means of accessing E911 if we are forced to disconnect them. As you are aware, the regulations prevent us from unilaterally switching customers to another

provider. In any event, we believe you would agree, it would be a perverse twist of fate for a customer to be disconnected from a fully functioning E911 capable phone and have a need for that function and it not be available to them simply to satisfy the need to acknowledge its limitations.

Item 6: *A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.*

Bresnan Communications, LLC Response:

Bresnan is maintaining hard copies of all signed advisories received in response to the various notifications described above at its regional operations center at 1860 Monad Road, Billings, MT 59102. Signed advisories for installations on or after August 4th are maintained with the work orders associated with each installation in the Bresnan local field offices. Recorded acknowledgements obtained through our outbound calling campaign will be maintained by the contractor and made available to Bresnan as sound files through a secure website. Bresnan maintains the status of E911 acknowledgement for each customer account at the appropriate local service office.

Item 7: *The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.*

Bresnan Communications, LLC Response:

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